

Appl. No. 10/771,781
Atty. Docket No. 9507
Amtd. dated August 24, 2005
Reply to Office Action of July 7, 2005
Customer No. 27752

REMARKS

Claims 1-20 remain in this application and are presented for the Examiner's reconsideration in light of the following comments. Claims 1-7, 11, 13-14, and 18-20 have been finally rejected under 35 USC §102(b) over Franz, U.S. Patent No. 6,845,282 (the '282 reference). Applicants respectfully traverse these rejections.

In the attached Declaration, provided under 37 C.F.R. §1.132, the Declarant, Michael Joseph Franz, declares that, "The subject matter of the instant application determines a property of the web material." Further, Mr. Franz states that, "In short, the '282 reference seeks to manipulate web speed in order to control the tension of the web ... The '282 reference is silent with respect to requiring two spans, two (first and second) web tension analog values, and two web-velocity analog values." Mr. Franz concludes that, "[These measurements] then determine the physical property (i.e., modulus of elasticity) and a nominal flow rate of the web material." Applicants respectfully believe Mr. Franz's Declaration speaks for itself. Therefore, the '282 reference fails to teach, disclose, or even remotely suggest each and every element of Applicant's claimed invention.

Anticipation under 35 USC §102 requires the disclosure in a single piece of prior art to teach each and every limitation of a claimed invention. *See Apple Computer, Inc. v. Articulate Sys., Inc.*, 234 F.3d 1457 U.S.P.Q.2d 1057 (Fed. Cir. 2000) (citing *Electromed Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994)). Therefore, Applicants respectfully request withdrawal of the Examiner's 35 USC §102(b) rejection to Claims 1-7, 11, 13-14, and 18-20 of the instant application herewith.

Conclusion

In light of the above remarks, it is respectfully requested that the Examiner reconsider and withdraw the rejections under 35 USC §102(b) and 35 USC §103(a). Early and favorable action in the case is respectfully requested.

Respectfully submitted,
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